

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

BVE BRANDS, LLC, §
§
Plaintiff, §
§
v. § 1:22-CV-278-RP
§
YIWU DINGYI E-COMMERCE CO., LTD., §
et al., §
§
Defendants. §

ORDER

Before the Court is the report and recommendation from United States Magistrate Judge Dustin Howell concerning Defendants' Motion for Entry of Default Judgment, (Dkt. 43). (R. & R., Dkt. 48). Pursuant to 28 U.S.C. § 636(b) and Rule 1(d) of Appendix C of the Local Rules of the United States District Court for the Western District of Texas, Judge Howell issued his report and recommendation on June 23, 2023. (*Id.*). As of the date of this order, no party has filed objections to the report and recommendation.

Pursuant to 28 U.S.C. § 636(b), a party may serve and file specific, written objections to a magistrate judge's proposed findings and recommendations within fourteen days after being served with a copy of the report and recommendation and, in doing so, secure de novo review by the district court. When no objections are timely filed, a district court can review the magistrate's report and recommendation for clear error. *See* Fed. R. Civ. P. 72 advisory committee's note ("When no timely objection is filed, the [district] court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.").

Because no party has filed timely objections, the Court reviews the report and recommendation for clear error. Having done so and finding no clear error, the Court accepts and adopts the report and recommendation as its own order.

Accordingly, the Court **ORDERS** that the Report and Recommendation of the United States Magistrate Judge, (Dkt. 48), is **ADOPTED**.

Plaintiff's motion for entry of default judgment, (Dkt. 43), is **GRANTED IN PART** and **DENIED IN PART**. Specifically, Plaintiff's motion is **GRANTED** as to their claims for federal and common law trademark infringement, unfair competition, and copyright infringement.

Plaintiff's claims are **DENIED** as to Plaintiff's false designation of origin claim.

Plaintiff shall be awarded statutory damages in the amount of \$20,000.00 per defendant for trademark infringement for a total of \$240,000.00;

\$1,000.00 per defendant per for copyrighted work infringed for a total of \$113,000.00; and \$16,403.75 in attorney's fees and \$1,660.14 in costs.

Plaintiff shall further be entitled to a permanent injunction preventing Defendants use of the BROCHETTE EXPRESS mark, its copyrighted photographs, and any colorable imitation thereof.

The Court will enter final judgment and the permanent injunction via separate order.

SIGNED on August 9, 2023.



ROBERT PITMAN
UNITED STATES DISTRICT JUDGE